"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2 22 छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30 5 2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012 2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 247] रायपुर, गुरुवार, दिनांक 20 जून 2013—ज्येष्ठ 30, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्पलेक्स, नया रायपुर

रायपुर, दिनांक 20 जून 2013

क्रमांक 5076/डी. 149/21 अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक 2 (7)/13 Leg.I/नई दिल्ली, दिनांक 06 06 2013 के अनुसरण में दी रिएडजस्टमेंट ऑफ रिप्रजेन्टेशन ऑफ शेड्यूल्ड कास्ट एंड शेड्यूल्ड ट्राइब्स इन पार्लियामेंटरी एण्ड अस्मेवली कान्स्टीट्यून्सिज (सेकंड) आर्डिनेन्स, 2013 एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th June, 2013/Jyaistha 15, 1935 (Saka)

THE READJUSTMENT OF REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (SECOND) ORDINANCE, 2013

No. 6 of 2013

Promulgated by the President in the Sixty-fourth Year of the Republic of India;

An Ordinance to provide for the readjustment of seats in the House of the People and in the Legislative Assemblies of the States and for the readjustment of territorial constituencies therefor, insofar as such readjustment is necessitated by inclusion in or exclusion from the lists of the Scheduled Castes and the Scheduled Tribes and for matters connected therewith or incidental thereto.

WHEREAS the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Ordinance, 2013, to provide for the aforesaid matters, was promulgated by the President on the 30th January, 2013;

AND WHEREAS the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Bill, 2013 was introduced in the Council of States to replace the said Ordinance;

AND WHEREAS the said Bill was referred by the Chairman of the Council of States to the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the 18th March, 2013;

AND WHEREAS the said Standing Committee presented its Fifty-ninth Report to the Council of States on the 2nd May, 2013 recommending that the Bill be passed;

AND WHEREAS the said Ordinance has lapsed;

AND WHEREAS the said Bill could not be passed by the Council of the States;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to validate the action taken under the said Ordinance so lapsed and to take further action to provide for the aforesaid matters;

NOW, THEREFORE, in exercise of the powers conferred by clause (*1*) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies (Second) Ordinance, 2013.

(*2*) It shall be deemed to have come into force on the 30th day of January, 2013.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(*a*) "Census Commissioner" means the Census Commissioner appointed under sub-section (*1*) of section 4 of the Census Act, 1948; 37 of 1948.

(*b*) "Commission" means the Election Commission referred to in article 324 of the Constitution;

(*c*) "Delimitation Act" means the Delimitation Act, 2002; 33 of 2002.

(*d*) "Delimitation Order" means the Delimitation of Parliamentary and Assembly Constituencies Order, 2008;

(*e*) "last census" means the census held in India in 2001;

(*f*) "Scheduled Castes Orders" means the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 and the Constitution (Puducherry) Scheduled Castes Order, 1964, made by the President under article 341 of the Constitution;

(*g*) "Scheduled Tribes Orders" means the Constitution (Scheduled Tribes) Order, 1950, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 and the Constitution (Sikkim) Scheduled Tribes Order, 1978, made by the President under article 342 of the Constitution;

(*h*) "State" includes a Union territory having a Legislative Assembly but does not include the State of Jammu and Kashmir.

Estimation of population of Scheduled Castes and Scheduled Tribes.

3. (*1*) As soon as may be after the commencement of this Ordinance, the population as at the last census, of the Scheduled Castes or, as the case may be, of the Scheduled Tribes, in each State shall be ascertained or estimated by the Census Commissioner.

(*2*) Where by reason of the amendments made in the Scheduled Castes Orders and the Scheduled Tribes Orders after the last census and upto 31st May, 2012, the population of the Scheduled Castes or the Scheduled Tribes as at the last census is varied in a State, the Census Commissioner shall ascertain or estimate as on the 1st day of March, 2001, the population of the Scheduled Castes or the Scheduled Tribes so varied, and also ascertain or estimate the proportion of such population of the Scheduled Castes or the Scheduled Tribes, respectively, to the total population of the State in the last census.

(*3*) The population figures ascertained or estimated under sub-section (*2*) shall be notified by the Census Commissioner in the Gazette of India.

(*4*) The population figures so notified shall be taken to be the relevant population figures as ascertained or estimated at the last census and shall supersede any figures

previously published; and the figures so notified shall be final and shall not be called in question in any court.

Readjustment of territorial constituencies by Commission.

4. (*1*) After the population figures have been notified for any State under section 3, the Commission shall make such amendments as may be necessary in the Delimitation Order, having regard to the provisions of articles 81, 170, 330 and 332 of the Constitution, of section 8 of the Delimitation Act, and of this Ordinance, for the purpose of giving proper representation to the Scheduled Castes or, as the case may be, to the Scheduled Tribes of that State, and the First Schedule and the Second Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly.

43 of 1950.

(*2*) In making any amendments in the Delimitation Order under sub-section (*1*), the Commission shall, as far as may be necessary, have regard to the provisions of clauses (*c*) and (*d*) of sub-section (*1*) of section 9 of the Delimitation Act.

(*3*) The Commission shall—

(*a*) publish its proposals for the amendments in the Gazette of India and the Official Gazette of the State concerned and also in such other manner as it thinks fit;

(*b*) specify a date on or after which such proposals will be further considered by it;

(*c*) consider all objections and suggestions which may have been received by it before the date so specified and for such consideration hold one or more public sittings at such place or places in each State as it thinks fit; and

(*d*) thereafter make necessary amendments in the Delimitation Order.

Procedure and powers of Commission.

5. (*1*) In the discharge of its functions under this Ordinance, the Commission shall determine its own procedure and shall have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the production of any document; and

(*c*) requisitioning any public record from any court or office.

(*2*) The Commission shall have the power to require any person to furnish any information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission.

(*3*) The Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

Explanation.— For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

Publication of amendments and their dates of operation.

6. (*1*) The Commission shall cause the amendments made by it in the Delimitation Order to be published in the Gazette of India and in the Official Gazettes of the States concerned.

(*2*) Upon publication in the Gazette of India, every such amendment shall have the force of law and shall not be called in question in any court.

(*3*) As soon as may be after such publication in the Gazette of India, every such amendment shall be laid before the House of the People and the Legislative Assembly of the State concerned.

(*4*) Subject to the provisions of sub-section (*5*), the readjustment of seats and territorial constituencies in the House of the People or in the Legislative Assembly of a State necessitated by any amendments made by the Commission in the Delimitation Order and provided for in that Order as so amended shall apply in relation to every election to the House or, as the case may be, to the Assembly, held after the publication of such amendments in the

Gazette of India and shall so apply in supersession of the provisions relating to representation contained in the Representation of the People Act, 1950. 43 of 1950.

(*5*) Nothing contained in the foregoing sub-sections shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication of the amendments made by the Commission in the Gazette of India.

Certain other powers of Commission.

7. (*1*) The Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned,—

(*a*) correct any printing mistake in the Delimitation Order as amended under this Ordinance, or any error occurring therein from any inadvertent slip or omission; and

(*b*) where the boundaries or the name of any district or any territorial division mentioned in the said Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

(*2*) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

Validation of acts done previous to the commencement of Ordinance.

8. All things done, and all steps taken, before the commencement of this Ordinance by the Census Commissioner for the ascertainment or estimation of population of the Scheduled Castes and the Scheduled Tribes, or by the Commission for the purpose of readjustment of seats and territorial constituencies shall, insofar as they are in conformity with the provisions of this Ordinance, be deemed to have been done or taken under these provisions as if such provisions were in force at the time such things were done or such steps were taken.

Power to remove difficulties.

9. (*1*) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of Parliament.

Validation of action taken under the lapsed Ordinance 2 of 2013.

10. Notwithstanding the lapse of the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Ordinance, 2013, anything done or any action taken under the said Ordinance so lapsed shall always be deemed to have been done or taken under the corresponding provisions of this Ordinance as if such provisions had been in force at all material time.

PRANAB MUKHERJEE,
President.

N.L. MEENA,
Additional Secy. to the Govt. of India.

CORRIGENDA

In the Indian Medical Council (Amendment) Ordinance, 2013, (4 of 2013), as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 22, dated the 21st May, 2013,—

(*i*) at page 1, in the Preamble, in paragraph 2, in line 2, *for* "circumastances", *read* "circumstances"; and

(*ii*) at page 4, in line 11, *for* "expirey", *read* "expiry".

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संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय केन्द्रीय मुद्रणालय, [illegible] मुद्रित तथा प्रकाशित 2013.